



CITY OF NEWTON, MASSACHUSETTS

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Public Hearing Date: June 12, 2007
Land Use Action Date: **T.B.D.**
Board of Aldermen Action Date: August 13, 2007
90-Day Expiration Date: September 10, 2007

DATE: June 8, 2007

TO: Board of Aldermen

FROM: Michael Kruse, Director of Planning and Development
Nancy Radzevich, Development Review Coordinator
Robert Merryman, Senior Planner

SUBJECT: Petition #164-07 of EUGENE BOROCHIN for a SPECIAL PERMIT/SITE PLAN APPROVAL to demolish a non-conforming concrete block structure and construct a third unit to be connected via 2 car garage to rear of an existing two-family dwelling to create a new 3-unit multi family dwelling including a 3 foot grade change and parking waivers at 25 PAUL STREET, Ward 6, NEWTON CENTRE, on land known as Sec 62, Block 13, Lot 6, containing approx. 15,000 square feet of land in a district zoned MULTI RESIDENCE 2.

CC: Mayor David B. Cohen

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will consider in its discussion at a subsequent Working Session.

EXECUTIVE SUMMARY

The petitioner is proposing to demolish a 2,150-sq. ft. one-story commercial structure in order to construct an additional, two-story 1,680-sq. ft. dwelling unit onto the rear of an existing two-family dwelling, via a new two-car garage. The site includes a total of 6 parking spaces — 2 garage spaces plus 4 surface parking stalls, two of which would be located, in tandem, behind the garage spaces. The proposal also includes a greater than 3 ft. change in grade and the narrowing of an existing 20.2 ft. wide driveway down to 16 ft.

I. BACKGROUND

This petitioner filed a similar petition with Board of Aldermen in 2005. Based on some concerns raised at the October 11, 2005 public hearing the petitioner submitted a request to withdraw the petition, without prejudice. Since that time the petitioner has redesigned the project by flipping the new unit and the two car garage. The garage has also been reduced from a 2 story to a 1 1/2 story structure, thus reducing the massing of the project. The petitioner has also substantially increased the perimeter landscaping to screen the building and parking stalls.

In the previous application to the Board (Petition #307-05), the petitioner requested a special permit for a 3 unit attached dwelling but did not submit plans of the existing structure. These plans have been submitted with this petition. Although the petitioner's attorney has indicated that he did not believe the existing plans were relevant, the Planning Department believes that they are important in evaluating the conversion of a two-family residence to a 3-family dwelling.

As shown on the submitted plans, the existing structure is a two-family dwelling (*and not two attached dwelling units*) and, as such (with the proposed additional "attached" dwelling unit) would be classified as a "Multi-family dwelling," based on the following definitions.

Dwelling, attached: Single-family dwelling units, attached to one another at the ground level and each having a separate primary and secondary access at ground level.

Dwelling, multi-family: A building or structure containing three (3) or more dwelling units.

Based on the submitted plans, the Commissioner of Inspectional Services has determined that the new proposal, if approved by the Board, would be a 3-unit *Multi family dwelling*. As the layout of the existing structure is pertinent to classifying this structure as a multi-family dwelling, which has much less restrictive dimensional controls than single-family attached-dwellings, the Planning Department believes that the plans for the existing structure are relevant to the Board's decision on this request for Special Permit and should be considered as part of the official filing.

Because the existing structure was constructed circa 1900, the petitioner applied for a demolition permit for the right and rear facades. Following their review of this request (in March 1, 2005) the Newton Historical Commission found the existing structure to be "historically significant," but they did not find the structure to be "preferably preserved." For that reason the Commission did not formally review the proposed plans.

II. ELEMENTS OF THE PETITION

The subject property is located at 25 Paul Street and consists of a 15,000 sq. ft. lot improved with a late 19th century mansard-style 3-story residence. The lot is currently improved with a two-family dwelling and a large one-story concrete block structure previously used for various non-conforming commercial uses. The petitioner is proposing to demolish the non-conforming concrete block structure and construct an additional, two-

story 1,680-sq. ft. dwelling unit onto the rear of an existing two-family dwelling, via a new two-car garage.

The petitioner has proposed a total of 6 parking spaces, 2 per unit, of which 2 spaces are within a new garage, two would be located in tandem behind the garage spaces, and two would be located at the end of the driveway, immediately adjacent to the new third dwelling unit. A special permit is needed to allow for the tandem parking spaces.

In addition, the submitted plans show that there is an area at the rear of the site, behind the new addition, where the grade will be altered, by more than 3 ft, by bringing in more fill. Based on the submitted plans the total area to be filled is 495-sq. ft., with the maximum fill depth of 3.4 ft. The petitioner stated that the grade change is necessary to keep the existing 3-story structure below the maximum building height of 30 foot (*shown in Section 30-15 Table 1*). Without the small grade change, the physical height of the structure would not change, but the height as measured from the average "Grade plane" would be lower.

III. ZONING RELIEF BEING SOUGHT

The City's Chief Zoning Code Official (CZCO) has completed his review of this application and a copy of his memorandum, dated May 11, 2007 (SEE ATTACHMENT "A "). In accordance with this review, the petitioner is seeking approval through or relief from the following sections of the City's Zoning Ordinance:

- *Section 30-9(d)(1) allows the Board of Aldermen to grant a special permit for multifamily dwellings in a Multi-Residence District;*
- *Section 30-19(m) allows the Board of Aldermen to grant a special permit for an exception to Section 30-19(d)(1), to allow for tandem parking for a multi-family dwelling;*
- *Section 30-5(b)(4) allows the Board of Aldermen to grant a special permit to allow for an alteration to the existing grade by more than 3 ft.;*
- *Section 30-23 Site Plan Approval; and*
- *Section 30-24 Special Permit.*

IV. SIGNIFICANT ISSUES FOR CONSIDERATION

In reviewing this petition, the Board should consider the following:

- *Whether the specific site is an appropriate location for a 3-unit Multi-family dwelling;*
- *Whether the design and scale of the proposed additional dwelling unit and associated changes to the parking area are appropriate related to the existing structure and/or the character of the surrounding neighborhood;*
- *Whether the waiver to allow for tandem parking and/or the reduction in the driveway width will have any adverse impacts on vehicular or pedestrian movements to/from and through the site; and*

- ***Whether the alterations to the existing grade, by more than 3 ft., will have any adverse impacts on the abutters.***

V. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Site

The 15,000 sq. ft. subject property is located at 25 Paul Street, between Centre and Cypress Streets in Newton Centre, and is one of the larger lots on the block. The site is currently improved with a 3-story, mansard-style, two-family dwelling and a 2,150 sq.ft., one-story, cinder block, accessory building. This accessory structure, which is located in the northeast corner of the site, had been used over the years for various commercial uses. The existing residential structure was constructed circa 1900 and, according to the City Assessor's database, includes approximately 4,657 sq. ft. of living space.

Based on the submitted plans, it appears that one unit consists of the basement and first floor, and includes a large open room (undefined use) with a galley kitchen, a utility room, and a bathroom in the basement, and is connected to the first floor through a spiral staircase. The first floor includes three bedrooms and three bathrooms. The second unit appears to consist of the second and third floors and includes a kitchen, 2 bedrooms, 2 bathrooms, and living room on the second floor, plus 2 bedrooms and 2 bathrooms on the third floor.

The site is currently access through an existing 20.2 ft. wide driveway. The rear portion of the lot includes a large paved area that could accommodate up to 10 vehicles.

Based on what the Planning Department learned from our review of the Inspectional Services Department's property files, it appears that the cinder block, accessory building had been used as a furniture repair shop, which included painting. There may have been a fire in the early 1980s, after which a building permit was issued in 1984 to allow for the reconstruction of "a paint shop." In 1999, following several complaints filed with the Inspectional Services Department that the commercial use had become more intensive, the then Commissioner of Inspectional Services denied that particular commercial use, based on a determination that the legal, non-conforming use had been altered/expanded without proper approvals from the Board of Aldermen. The Commissioner's decision was upheld by the Zoning Board of Appeals. That decision was appealed to Land Court by the previous owner. As the Land Court has still not taken this up this appeal, the status of the "extent" of that legal, non-conforming commercial use is still unclear.



Front View of Existing Structure



View of the existing driveway



View of the east side of the existing structure, from Paul Street

B. Neighborhood and Zoning

The subject parcel is located on the edge of a commercial district in Newton Centre. The property is abutted to the east by a single-family dwelling, to the west by a 24-unit apartment building and to the north by the MBTA Green Line tracks. Across Paul Street, to the south, are 3 two-family and 2 single-family dwellings. Further north, across the MBTA Green Line tracks, are various commercial offices on Centre Street. The subject parcel is located one block from the Newton Centre village center and 2 blocks from the Newton Centre MBTA Green Line Station.

The subject lot is within a small Multi-Residence 2 District, which is surrounded by Multi Residence 1, Business 1, and Single Residence 3 Districts. A nearby playground is included in a Public Use District.

VI. ANALYSIS

A. Dimensional Controls – Section 30-15

The following table compares the requirements for a Special Permit for a 3-unit multi-family dwelling within a Multi-Residence 2 District to the technical requirements established in Section 30-15, Table 1:

	Ord. Req'ts. (Special Prmt)	Existing two- family dwelling	Proposed three- family dwelling
Min. lot size	10,000 sq. ft	15,000 sq. ft.	15,000 sq. ft.
Min. lot area per unit	3,000 sq. ft.	7,500 sq. ft.	5,000 sq.ft.
Min. Frontage	80 ft.	100 ft.	100 ft.
Setbacks			
Front	25 ft.	26.4 ft.	26.4 ft.
Side (west)	7.5 ft.	35 ft.	32.9 ft.
Side (east)	7.5 ft.	28.4 ft.	17.8 ft.(To Deck) 25 ft. (To Unit)
Rear	15 ft.	66.3 ft.	17.2 ft.
Max. Building height	30 ft.	29.08 ft.	29.76 ft. (addition) 22-24 ft. (garage) 14-15 ft.
Max. # of stories			
Two-family Dwelling	2 1/2 stories	3-stories	N/A
Multi-family Dwelling (by Special Permit)	2 1/2 - 3 stories'	N/A	3 stories (existing) 2-stories (addition)
Max. Floor Area Ratio (FAR)	.4	0.382 (includes rear bldg.)	0.379
Max. Bldg. Lot Coverage	30%	23.62%	19.10%
Min. Open space	50%	51.57%	57.31%

As shown in the table above, the existing residential structure complies with all the existing dimensional controls, except number of stories. As the structure pre-dates this dimensional control, it is considered to be a legal non-forming structure, with respect to the number of stories. As the new additional unit will be limited to a two-story structure, there is no alterations or extension to this existing non-conformity.

The proposed 3 unit multi-family dwelling complies with all the dimensional controls (*shown in Section 30-15 Table 1*). For reference purposes, the maximum permitted FAR (Floor Area Ratio) for an as-of-right two-family dwelling a Multi-Residence 2 District is 0.4. The petitioner is proposing an FAR of 0.379.

The Planning Department notes that if the interior space within the existing structure was altered, such that the units were side-by-side vs. stacked, the proposed structure would be considered to be three attached dwellings (*not a multi family dwelling*), and would be subject to far more restrictive dimensional controls, particularly related to setbacks.

As shown on the submitted plans, the existing structure is a two-family dwelling (and not two attached dwelling units) and, as such (with the proposed additional "attached" dwelling unit) would be classified as a "Multi-family dwelling." Although some alterations to the interior spaces of existing units could be done by right, the petitioner should be aware that the general configuration of those units, stacked vs. side-by-side,

The ordinance allows the Board to grant a Special Permit for up to three stories, if the structure is consistent and not in derogation of the size, scale and design of the other structures in the neighborhood.

must remain in order to for this structure to continue to be considered a multi-family dwelling.

B. Parking Ordinance — Section 30-19

The following compares the proposed parking against the parking requirements for a 3-unit multi-family dwelling, per Section 30-19:

	<i>REQUIRED</i>	<i>EXISTING</i>	<i>PROPOSED</i>
MM. Number Stalls	2 stall/dwelling unit	Parking for up to approx. 10 vehicles	6 total (2 garage + 4 surface spaces, of which 2 <i>are tandem</i>)
MM. Setbacks			
Front	25 ft.	96 ft.	101 ft.
Side	7.5 ft.	<i>2.5 ft.</i>	27.5 ft.
Rear	0ft.	2 ft.	2.4 ft.
MM. Stall Length	19 ft.	19 ft.	19 ft.
Min. Stall Width	9 ft.	9 ft.	9 ft.
Entrance/Exit Driveway Width	12 ft. min; 20 ft. max.	<i>20-24 ft.</i>	16-20 ft.

The petitioner is proposing to reduce the existing driveway width from 20.2 ft. to 16 ft., as recommended by the Planning Department to help present a more residential character to the vehicular accessway (vs. the wider driveways needed for commercial uses) and provide for some additional open space, on-site. This reduction in driveway width was acceptable to the Fire Department, as noted in an undated letter from the Assistant Chief of Operation (*SEE ATTACHMENT "B"*). The petitioner has reconfigured the parking area to include two new garage stalls with 2 tandem stalls in front of the garage and 2 surface stalls at the rear. The previously submitted site plan had 2 parking stalls within the first floor of the new unit and a large asphalt 4-stall facility without landscape screening at the rear of the site.

C. Relevant Site Plan Approval Criteria

1. **Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets, properties or improvements.**

The petitioner is proposing to reduce the driveway width at the front of the site from 20.2 to 16 ft. Although the petitioner had originally indicated that they needed to keep the pavement for maneuvering purposes, the Planning Department believes that a 16-ft. wide driveway is more than sufficient to accommodate the limited traffic volume that would be generated by the 6 vehicles associated with the three dwelling units.

The Planning believes that the parking layout, with the tandem parking, should not adversely impact pedestrian movements. And, although the tandem parking may require some maneuvering by the residents, the benefit of additional open space, which is increased through the tandem parking layout, should outweigh any minor inconveniences associated with the configuration.

While it is not necessarily within the Board's purview to review the interior layouts of the units, the Planning Department is concerned that the high number of total bedrooms might result in a parking demand that would exceed the 6 spaces provided. Any additional vehicles parked on-site; beyond those 6 vehicles, could only be parked in tandem behind other vehicles, along the driveway, or within the turnaround area, located adjacent to the two parking stalls at the rear of the site. Parking along the driveway could be problematic with respect to access, and the Fire Department could request that the Board restrict parking along the 16 ft. driveway. Further any additional vehicles that might be parked, in tandem, behind one of the designated parking spaces or within the vehicle turnaround area would impede others from being able to safely maneuverability in and out of the 6 required parking spaces.

The proximity of this site to the Newton Centre village commercial center and the MBTA Green Line station may reduce the need for additional vehicles, even if one of more of the units is rented to up to 4 unrelated persons,² which would be permitted by the City's Zoning Ordinance.

Based on the submitted plans, if the Board approves this petition, the Planning Department recommends a condition that would limit the number and location of vehicles that could be parked on site to the 6 spaces that are shown, so as to ensure sufficient emergency access and safe maneuverability in and out of the 6 required parking spaces. Further, the Planning Department would recommend that the vehicle turnaround area be shortened, such that it is meets the minimum requirements for the vehicles to maneuver in and out of the parking space, without being mistaken for a parking space.

2. Adequacy of the methods for disposal of sewage, refuse and other wastes and of the methods of regulating surface water drainage

The petitioner has not indicated where trash will be stored for collection. ***The petitioner should be expected to provide further information on this subject at the public hearing.***

With respect to the regulation of the surface water drainage, based on his June 4, 2007 memorandum, the Associate City Engineer indicates that the has not seen necessary soils and drainage information to support the improvements depicted on the Grading and Utility Plan. (SEE ATTACHMENT "C").

3. Screening of parking areas and structures on the site from adjoining premises or from the street

The petitioner is proposing additional landscaping improvements along the eastern and western property lines and within the rear yard. The petitioner has increased the landscaping significantly from the original petition, proposing 7

² Note, based on the City's Ordinance, if more than 4 unrelated persons are living in one residential unit, then a the petitioner would need a Special Permit to allow for an "Association of Persons."

large trees (3 Norway Spruce, 4 White Pines), 48 smaller evergreen trees (29 Arborvitae, 19 Blue Junipers), and 15 ornamental trees (7 Holley, 5 Cherry & 2 Golden Rain Trees). The Planning Department believes the current landscaping plan should more than adequately screen the abutting residence at 17 Paul Street from the increased massing of the proposed multi-family dwelling. In addition, the petitioner has also increased foundation plantings along the eastside of the structure. The four exterior parking stalls will be screened from residential abutters by existing screening and the planting of 21 new arborvitae and 3 junipers.

4. Avoidance of major topographical changes; tree and soil removal shall be minimized

The petitioner is proposing a 3.4 ft. grade change (fill) at the rear of the property that would effect 495 sq. ft. of area adjacent to the MBTA Green Line tracks. The new dwelling unit and perimeter landscaping should completely screen the area of the grade change from abutters.

The petitioner stated that a tree removal plan would be submitted to the City's Tree Warden prior to the public hearing that would comply with the Tree Preservation Ordinance.

5. Location of utility service lines underground wherever possible

The petitioner has stated that all utilities will be placed underground from Paul Street.

6. Consideration of site design, including the location and configuration of structures and the relationship of the site's structures to nearby structures in terms of major design elements including scale, materials, color, roof and cornice lines

The petitioner is proposing to demolish an existing concrete block, one-story, cinder block, accessory building, formerly used for commercial purposes, and construct a new 2 story, 3 bedroom dwelling unit, via a 2 car garage, to the rear of the existing two-family dwelling. Although the Planning Department believes a 3-unit multi-family dwelling would be appropriate for this site, the proposed additional dwelling unit appears to be slightly larger in scale than surrounding single- and two-family dwellings, and appears to be out of character with the neighborhood.

Based on the submitted plans, it appears that the petitioner is proposing to retain the aluminum siding on the existing structure, but to clad the new addition with wood siding. *The Planning Department believes that it would be great public benefit if the petitioner were to remove the aluminum siding and install wood siding throughout the expanded structure. The Planning Department further recommends that the existing mansard roof shingles should be removed and replaced with architectural shingles that mimic the appearance of slate shingles and that the new roof on the addition should match.*

7. Avoidance of the removal or disruption of historic resources.

Because the existing structure was constructed circa 1900, the petitioner applied for a demolition permit for the right and rear facades. Following their review of this request (in March 1, 2005) the Newton Historical Commission found the existing structure to be "historically significant," but they did not find the structure to be "preferably preserved." For that reason the Commission did not formally review the proposed plans.

D. Relevant Special Permit Criteria — Section 30-24

1. The specific site is an appropriate location for such use / structure

The petitioner is proposing to convert an existing two-family dwelling to a 3-unit multi-family dwelling. Although the Planning Department believes a 3-unit multi-family dwelling would be appropriate for this site, the proposed additional dwelling unit appears to be slightly larger in scale than the surrounding single- and two-family dwellings. Although the Planning Department would recommend a smaller additional unit, the petitioner *could* potentially construct a slightly larger two-family, up to an 0.4 FAR, by right.

As previously mentioned, the Planning Department's bigger concern is with the total number of bedrooms/bathrooms in relation to the number of parking spaces being provided for on-site. While the ordinance only requires 2 parking spaces per unit, given the high number of total bedrooms, there may be a parking deficiency, on-site. The need for additional parking, however, may be offset by the proximity of the site to the Newton Centre village center, and the MBTA Green Line station. ***While the Planning Department does not generally advocate restricting the use, we do recommend that, based on the submitted plans, there be clear limitations placed on the number and locations of vehicles that can be parked on-site. Any additional vehicles parked in the driveway, or behind one of the designated spaces would impede emergency access and general vehicular access in/out of the 6 required spaces.***

2. The use as developed and operated will not adversely affect the neighborhood.

The Planning Department does *not* believe that the proposed 3-unit multi-family dwelling use will adversely affect the neighborhood, as long as the mass of the structure and parking areas are sufficiently screened from abutters, that drainage is sufficiently controlled on-site, and the driveways and parking spaces are keep clear of any obstructions.

The Planning Department believes that permanent removal of the 2,150 sq.ft. concrete block accessory structure, combined with additional landscaping and reduced driveway width should help restore the residential character of this site.

3. There will be no nuisance or serious hazard to vehicles or pedestrians.

As long as additional vehicles, beyond those within the 6 designated spaces, are not permitted to park on-site, there should be no nuisance or serious hazard to

vehicles or pedestrians, and there would be sufficient access for the Fire Department. *See also comments in Sections VI.C.1. and VI.D.1.*

4. Access to the site over streets is appropriate for the types and numbers of vehicles involved.

The net increase of traffic related to the addition of one dwelling, with two additional vehicles, should be negligible.

VI. SUMMARY

The petitioner is requesting a Special Permit to allow for the conversion of an existing two-family dwelling to a 3-unit, multi-family dwelling, by constructing a two-story addition on to the rear of the existing structure. While the Planning Department believes that a multi-family dwelling is appropriate for this site, the Planning Department notes that the size of the addition is large, and appears to be out of scale with many of the existing residences in the neighborhood.

The Planning Department also has concerns regarding the façade and roof of the existing structure. As a public benefit, *the Planning Department recommends that the petitioner remove the aluminum siding on the existing structure and restore and/or replace it with wood clapboards, to match what is being proposed on the new addition. Further, the Planning Department would recommend that the brown asphalt mansard roof shingle be removed and replaced with architectural style slate shingles, in an effort to help restore the existing circa 1900 structure.*

While the Planning Department supports the use of the site for a multi-family dwelling, we are concerned that the high number of total bedrooms might result in a parking demand that would exceed the 6 spaces provided. Any additional vehicles parked on-site, beyond those 6 vehicles, may impede access from some, if not all, of the 6 required spaces, and/or may impede emergency access to the site. The proximity of the Newton Centre village center and the MBTA Green Line station may offset the need for additional vehicles, even if one of more of the units is rented to up to 4 unrelated persons.

The petitioner is also seeking a special permit for a greater than 3 ft. change in grade, for a portion of the site behind the new, proposed dwelling unit. The grade change is being proposed in order to keep the existing 3-story structure below the maximum allowed 30 foot height. As long as the drainage system has been properly designed, this 495-sq. ft. area of alteration, through fill, should not adversely impact the immediate abutters or the surrounding neighborhood.

At the public hearing, the petitioner should be expected to provide information on the proposed method(s) for disposal of refuse and indicate where trash will be stored.

Prior to the working session, the petitioner should:

1. Address all issues raised by the Associate City Engineer;
2. Consider modifying (shorten) the design of the turnaround area, adjacent to the two stalls at the rear of the site, such that it meets the minimum requirements

for the vehicles to maneuver in and out of the parking space, without being mistaken for a parking space; and

- 3. Consider replacing the aluminum siding with wood siding on the existing structure, and installing architectural shingles, that mimic the appearance of slate shingles, on both the existing structure and the expanded addition.*

Zoning Review Memorandum

ATTACHMENT A

Dt: May 11, 2007


To: G. Michael Peirce, representing Eugene Borochin

Fr: juris Alksnitis, Chief Zoning Code Official



Cc: Michael Kruse, Director, Department of Planning and Development
John Lojek, Commissioner of Inspectional Services

Re: Proposed addition of dwelling unit and garage to existing 2F house.

	
Site: 25 Paul St., Newton Centre	SBL: Section 62, Block 1 3, Lot 06
Zoning: Multi-Residence 2	Lot Area: 1 5,000 sq. ft.
Current use: Two-family dwelling	Prop. use: Multi-fam: 3 dwelling units

Background:

The petitioner seeks to construct an addition and garage at the back of an existing two-family building creating a 3 DU dwelling, while demolishing an existing detached one-story concrete block building at the rear of the property. Multi-family dwellings are subject to special permit necessitating review and approval by the Board of Aldermen.

Administrative determinations:

1. The subject property is located in an MR-2 zone, which accommodates multi-family dwellings subject to grant of a special permit, site plan approval and subject to meeting certain dimensional requirements established in Section 30-15, Table 1, *Density and Dimensional Controls in Residence Districts and for Residential Uses* (Table 1). In addition, the development must meet certain parking requirements as established in Section 30-19(d) and (g).
2. The proposed development generally meets the applicable Table 1 dimensional and density controls. However, it is noted that a set of external stairs from the parking area to the rear yard come to within approximately 7 ft. **of the rear lot line while a proposed retaining wall extends to within approximately 2 ft. of the rear lot line.** Section 30-15(m) along with prior rulings of the Zoning Board of Appeals require that structures conform to applicable primary setback requirements, in this case a rear setback of 15 ft. Placement of a structure within the 15 ft. rear yard setback would typically necessitate a dimensional variance from the Zoning Board of Appeals. **The applicant has consulted with the Commissioner of Inspectional Services, who has determined that low retaining walls**

which are an integral part of plans designed to handle grade changes in excess of 3 ft. may be addressed as part of the special permit process associated with 3 ft grade changes, and need not also to seek a variance from the Zoning Board of Appeals.

3. Section 30-19(d)(2) requires 6 parking spaces for the subject development and Section 30-19(g) establishes the applicable parking stall and driveway design parameters. While the proposed outdoor parking and garage meet the above requirements, it is noted that two stalls are designated as tandem spaces. As tandem spaces are typically available only to 1F and 2F dwellings as provided in 30-19(d)(1), such parking arrangement for a multi-family dwelling necessitates a waiver from the Board of Aldermen per Section 30-19(m).
4. As the work will involve re-grading of a 295 sq. ft. area involving changes in topography exceeding three feet, Board of Aldermen approval is required per Section 30-5(b)(4).
5. While the applicant has not submitted any information or request regarding signage, the applicant is responsible for complying with the requirements and procedures established in Section 30-20 pertaining to signs.
6. The submitted landscape plan does not indicate whether any trees of significant caliper will be removed as part of the anticipated site work. Any tree replacement plan must meet the requirements of the Tree Ordinance and secure approval of the Tree Warden.
7. As the existing 2F dwelling is over 50 years old, it is subject to applicable requirements of the Newton Historical Commission. While the NHC Record of Action, March 1, 2005 indicates that the subject dwelling is not considered "preferable preserved", the NHC provided the applicant with advisory recommendations for subject project, which merit consideration.
8. Submitted plans do not indicate any provisions for lighting. However, the applicant is responsible for ensuring that any lighting scheme which may potentially be under consideration meets the requirements of Ordinance X-142, *Light Ordinance*, as set out in sections 20-23 through 20-28 pertaining to light pollution and light trespass in relation to the subject site and abutting properties.
9. A number of submitted plans lack the respective stamps and signatures of applicable registered professionals preparing the plans and certifying required calculations. The applicant is responsible for providing stamped and signed plans not later than at the time of filing the petition with the Clerk of the Board of Aldermen.

10. See "Zoning • Relief Summa " below.

Zoning Relief Summary

Ordinance

Action Required

Building

N/A

30-9(d)(1)

A royal of a 3 DU multi-famil dwellin• in the MR-2 zone.

N/A

N/A

<i>Zoning Relief Summary (cont.)</i>		
<i>Ordinance</i>		<i>Action Required</i>
	Parking	
	Waiver to allow two tandem spaces at 3-DU dwelling.	
	Site	
30-5(b)(4)	Approval to alter existing contours by more than three feet as	X
30-23	shown on • Ian.	
30-23	Approval of site • Ian and landscape • Ian.	
	N/A	
30-24 d	Ap • ro ^y al of s • ecial • errnit	

Plans reviewed:

- Plans (2 sheets) titled "Paul Street, Newton, MA", dated 12/19/06 containing building elevations and floor plans, prepared by O'Sullivan Architects, 40 Salem St., Building 2, Suite 2, Lynnfield, MA 01940, bearing no stamp or signature of a registered professional.
- Plan titled "Paul Street, Newton, MA", dated 3/21/07 containing floor plans and FAR calculations, prepared by O'Sullivan Architects, 40 Salem St., Building 2, Suite 2, Lynnfield, MA 01940, stamped and signed by David H. O'Sullivan, Registered Architect.
- Plan titled "Revised Landscape Plan, 25 Paul St., Newton, Mass.", dated March 21, 2007, stamped by John T. Judge, Registered Landscape Architect, but not signed.
- Plan set titled "25 Paul St., Newton, Massachusetts to Accompany the Petition of Eugene Borochin, 30 Sycamore Rd., Newton, MA", prepared by Verne T. Porter, Jr. PLS, Land Surveyors - Civil Engineers, 354 Eliot St., Newton, MA 02464, stamped and signed by Stephen E. Poole, Registered Civil Engineer and Verne T. Porter, Jr., Registered Professional Land Surveyor, consisting of the following:
 - D Sheet 1 of 4 -- Existing Conditions Plan, July 20, 2005
 - Sheet 2 of 4 – Proposed Grading & Utility Plan, December 27, 2006
 - D Sheet 3 of 4 – Detail Sheet, December 27, 2006
 - D Sheet 4 of 4 – Area Plan, July 20, 2005



David B. Cohen
Mayor

CITY OF NEWTON, MASSACHUSETTS
FIRE DEPARTMENT HEADQUARTERS

1164 Centre Street, Newton Center, MA 02459-1584
Chief: (617) 796-2210 Fire Prevention: (617) 796-2230
FAX: (617) 796-2211 EMERGENCY: 911



Joseph E. LaCroix
Chief

Alderman George Mansfield
Land Use Committee
Newton City Hall
1000 Commonwealth Avenue
Newton Centre, Ma 02459

Re: 25 Paul Street

Dear Mr. Mansfield,

The site plans for the proposed two story addition in the rear of 25 Paul Street have reviewed by the Newton Fire Department for accessibility and water. This is to advise you that the plans have been stamped with our approval. If you have any questions, please do not hesitate to call me at 796-2210.

Sincerely,

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Bruce A. Proia
Assistant Chief of Operations

Cc: ~~James~~ Radzevich, Chief Planner, City of Newton
Deputy Chief James Thorne, Fire Prevention Division
Michael Peirce, ESQ.

CITY OF NEWTON
ENGINEERING DIVISION

MEMORANDUM

To: Alderman George Mansfield, Land Use Committee Chairman

From: John Daghlion, Associate City Engineer

Re: Special Permit — 25 Paul Street

Date: June 4, 2007

CC: Lou Taverna, PE City Engineer (via email)
Nancy Radzevich, Chief Planner (via email)
Linda Finucane, Associate City Clerk (via email)
Bob Merryman, Sr. Planner (via email)

In reference to the above site, I have the following comments for a plan entitled:

*25 Paul Street
Newton, MA
Prepared by: Verne T Porter, Jr., PLS
Dated: Dec 27, 2006
Revised: 11-3- '06
3-9- '07
5-14- '07*

Drainage:

1. Although the site plan show an on site soil evaluation & drainage improvements the information has not been submitted to the Engineering Office.

Sewer:

1. The existing water & sewer services to the dwelling on Lot I shall be cut and capped at the main and be completely removed from the site and properly back filled. The Engineering Division must inspect this work; failure to having this work inspected my result in the delay of issuance of the Utility Connection Permit

General:

1. The existing cement concrete sidewalks should be replaced in concert with the installation of the proposed granite curbing.
2. With the removal of the existing on site utility pole, it would be preferable to install all underground (electric, cable, telephone, etc.) services to the rear dwelling.
3. The driveway apron detail is missing.
4. Details for the granite curbing (which should be set in concrete) & the cap cod berm details are missing.
5. The material for the proposed stonewall is missing.
6. All tree removal shall comply with the City's Tree Ordinance. Based on a site visit today, there is a rotted 18" diameter maple tree in the northwest corner of the lot that has not been identified to be removed; the applicant should contact the City Arborist to determine the status of this tree.
7. The contractor is responsible for contacting the Engineering Division and scheduling an appointment 48 hours prior to the date when the utilities will be made available for an inspection of water services, sewer service, and drainage system installation. The utility is question shall be fully exposed for the inspector to view; backfilling shall only take place when the City's Inspector has given their approval. *This note should be incorporated onto the plans*
8. The applicant will have to apply for Street Opening, Sidewalk Crossing, and Utilities connecting permits with the Department of Public Works prior to any construction. *This note must be incorporated onto the site plan.*
9. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
10. Prior to Occupancy permit being issued, an As-Built Plan shall be submitted to the Engineering Division in both digital format and in hard copy. The plan should show all utilities and final grades, any easements and final grading. *This note must be incorporated onto the site plan.*
11. If a Certificate of Occupancy is requested prior to all site work being completed, the applicant will be required to post a Certified Bank Check in the amount to cover the remaining work. The City Engineer shall determine the value of the uncompleted work. *This note must be incorporated onto the site plan.*

If you have any questions or concerns please feel free to contact me @ 617-796-1023.